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## New rules may ease jury-duty pain State officials want to make the job clearer

By ANGELA MULLINS  
Times Herald

Rick Orzel knows as well as any former juror the pains that can come with jury duty.

He also knows the feelings of pride and public service that can accompany long hours in the jury box and deliberation room.

"This is your responsibility as a citizen to step up and be part of the process," said Orzel, 52, of Columbus Township, who served jury duty for the first time last year in St. Clair County Circuit Court.

"It really gave me a sense of being a statesman."

Although rewarding, being a juror also can be frustrating, exhausting and, in some cases, confusing.

A list of proposed changes to the rules outlining jury procedure in Michigan is aimed, in part, at making jury duty a bit more user friendly.

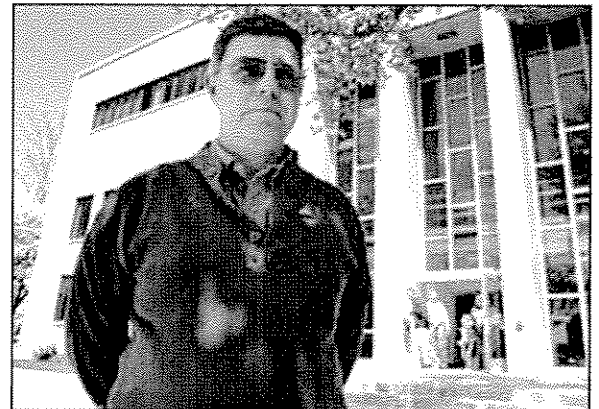
The changes, which are awaiting approval by the state Supreme Court, aren't drastic.

In fact, they mostly are small changes in wording meant to make certain all judges are instructing and overseeing juries in the same manner.

The changes - up for public hearing - are designed to make the criminal justice system in Michigan more uniform from court to court and ensure all juries and defendants are given the same opportunities.

The proposals won't erase all the problems associated with serving on a jury but combined with at least one other recent change - a juror pay increase - could be another step in the right direction.

### ADVERTISEMENT



By TONY PITTS, Times Herald

**CIVIC DUTY:** Rick Orzel, who has served on a jury in St. Clair County, supports changes to make the job easier.

## **Jury duty**

For many people, the words "jury" and "duty" strike fear, or at least prompt a groan, when included in the same sentence.

For some, the public service comes at an extreme cost which can include lost wages and lost time.

In St. Clair County, about 400 people are summoned for jury duty each month.

About 70% of those people end up being placed on jury panels that must call once a week to check and see if they must report to the courthouse for service.

Failure to show could result in a contempt-of-court charge.

Once at the courthouse, jury selection begins in most cases. For higher-profile cases, the process could take days, and an individual could be sent home after a long wait without being selected for the final jury.

For several years, citizen-advocacy groups have been fighting for the rights of jurors who they believe are underappreciated and underpaid.

In 2002, the Legislature passed a law increasing the amount jurors are paid from at least \$15 for the first full day to \$25 for the first full day.

Taking effect in October 2003, the law also boosted pay to \$40 for subsequent days of service.

The monetary increase doesn't fully compensate some jurors for the loss of wages they may experience while serving, but it helps, juror advocates said.

Making changes in jury rules that allow for jurors to be better instructed in their role in the process and make judges clear on the way to issue those instructions helps take some of the emotional stress out of serving.

Plus, it benefits the system as a whole, said Mark Hiselman, an Ann Arbor businessman who acts as Michigan's representative for the Fully Informed Jury Association.

The association is a nonprofit group that helps to keep jurors informed of their rights and duties.

"A cloud of uncertainty by a juror can harm accuracy," Hiselman said.

## **Proposed changes**

Judge Dennis Kolenda of the Kent County Circuit Court in Grand Rapids is chairman of the court-appointed committee making the proposed changes to jury rules.

The process of reviewing the rules by which juries are governed began about two years ago.

Among the changes are those that:

- Make it clear judges can explain to jurors about different kinds of evidence and different legal terms before a trial begins rather than when the trial has concluded.
- Make it clear juries can ask questions, through the judge, of witnesses.

- Allow juries to reach a verdict on one or more counts but be deadlocked in one or more. Now, a jury's decision has to be unanimous on all counts to stand.

Orzel said some of the changes could be positive, but the biggest question weighing on his mind while serving on the jury was for the prosecution.

"We would like to have asked ... why certain things weren't done," Orzel said.

Allowing for that during a trial is not included in this round of jury changes but could be considered in the future, some experts said.

In many ways, this round of proposed rule changes is meant more to clear up problems judges were having interpreting the rules rather than making large, innovative leaps forward.

Some of the proposals are purely mechanical, Kolenda said, but are "designed to make sure the jurors can be treated more as equals."

### Overall impact

As Kolenda puts it, the proposed changes are meant to benefit everyone involved in the criminal justice system - prosecutors, defendants and jurors.


The proposed changes make the system more intelligible, he said, therefore giving everyone a better chance at fairness.


St. Clair County Circuit Judge James Adair said anything that makes things clearer for jurors is a benefit in the courtroom.


"From my point of view, the jury has a very important role," Adair said. "If they don't understand their role, there's going to be a bad result."

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**Originally published June 7, 2005**

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